

PATENT

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JUN 30 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Justin Grant, *et al.*

Examiner: Frantz B. Jean

Serial No: 09/686,426

Art Unit: 2151

Filing Date: October 11, 2000

Title: ENTITY EVENT LOGGING

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Applicants' representative submits this brief in connection with an appeal of the above-identified patent application. A credit card payment form is filed concurrently herewith in connection with all fees due regarding this appeal brief. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP138US].

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I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is the Microsoft Corporation, the assignee of the present application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellant, appellant's legal representative, and/or the assignee of the present application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 1-25 stand rejected by the Examiner. The rejection of claims 1-25 is being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

Amendments to independent claims 17 and 21 have been entered after the Final Office Action.

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))**A. Independent Claim 1**

Independent claim 1 recites a system for monitoring events of a plurality of members configured as an entity. The system comprises at least one member of the entity having configurable event logging settings for determining at least one of event types to be monitored. Each of the plurality of members of the entity having member specific configuration settings wherein selection of event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members. (See e.g., page 1, lines 4-16).

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B. Independent Claim 10

Independent claim 10 recites a system for monitoring events on a member, comprising an event monitor system adapted to receive different event types from an event source and log the different event types into a data store. The event monitoring system further comprising an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store. (*See e.g.*, page 3, lines 17-27).

C. Independent Claim 16

Independent claim 16 recites a system for monitoring events of a plurality of members configured as an entity. Each member of the entity comprises an event monitor system adapted to receive different event types from an event source and log the different event types into a data store. The event monitor system further comprises an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store. (*See e.g.*, page 3, lines 17-27).

D. Independent Claim 17

Independent claim 17 recites a method for monitoring events of a plurality of members configured as an entity. The method comprises an act of setting configurable event logging settings at any of the plurality of members for determining one of event types to be monitored and event types not to be monitored. The method further comprises dynamically propagating the selection of event logging settings to the plurality of members of the entity to establish event logging configuration settings at the plurality of members. (*See e.g.*, page 3, lines 4-16).

E. Independent Claim 20

Independent claim 20 recites a method for monitoring events of a plurality of members configured as an entity. The method comprises an act of receiving different event types having different data fields from an event source. The method further comprises acts of mapping the data fields of different event types to common data fields

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such that each event type conforms to a common schema and logging the mapped event types to a data store. (*See e.g.*, page 3, lines 17-27).

R. Independent Claim 21

Independent claim 21 recites a system for monitoring events of a plurality of members configured as an entity. The system comprises means for configuring event log settings at a first member of the entity for determining event types to be monitored. (*See e.g.*, page 6, line 17 – page 8, line 12). Additionally, the system comprises means for propagating the selection of event log settings to the plurality of members of the entity to establish event log configuration settings at the plurality of members. (*See e.g.*, page 8, line 13 – page 9, line 2).

The aforementioned means for limitations are identified as claim elements subject to the provisions of 35 U.S.C. §112 ¶6. The corresponding structures are identified with reference to the specification and drawings in the parentheticals above corresponding to those claim limitations.

G. Independent Claim 24

Independent claim 24 recites a system for monitoring events of a plurality of members configured as an entity. The system comprises means for receiving different event types having different data fields from an event source. (*See e.g.*, page 12, line 10 – page 13, line 5). The system further comprises means for mapping the data fields of different event types to common data fields such that each event type conforms to a common schema. As well, the system comprises means for logging the mapped event type to a data store. (*See e.g.*, page 13, lines 6-27).

The aforementioned means for limitations are identified as claim elements subject to the provisions of 35 U.S.C. §112 ¶6. The corresponding structures are identified with reference to the specification and drawings in the parentheticals above corresponding to those claim limitations.

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VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A. Claims 1-5, 7-9, 17-19, 21, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connelly *et al.* (U.S. 6,594,786) in view of Jarriel *et al.* (U.S. 6,553,403).

B. Claims 10-14, 16, 20, 24, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connelly *et al.* in view of McHann (U.S. 5,991,806).

C. Claim 15 stands rejected under 35 U.S.C. §103(a) as being obvious over Connelly *et al.* in view of McHann, and in further view of Jarriel *et al.* This claim depends from independent claim 10, and withdrawal of this rejection is requested in view of the aforementioned deficiencies of these references regarding claim 10.

VII. Argument (37 C.F.R. §41.37(c)(1)(vii))**A. Rejection of Claims 1-5, 7-9, 17-19, 21 and 23 under 35 U.S.C. §103(a)**

Claims 1-5, 7-9, 17-19, 21, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connelly *et al.* (U.S. 6,594,786) in view of Jarriel *et al.* (U.S. 6,553,403). It is respectfully submitted that these rejections should be withdrawn for at least the following reasons. The combination of Connelly *et al.* and Jarriel *et al.* does not teach or suggest all limitations recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicant's disclosure*. See

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In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). An examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done. *Ex parte Levengod*, 28 USPQ2d 1300 (P.T.O.B.A.&I. 1993).

The present invention as disclosed and claimed relates to a system and method for monitoring, logging and retrieving event data of a plurality of members forming an entity. Such members may be, for example, computers, servers, or clusters. In accordance with the present invention, event data can be defined at any one member of an entity and dynamically replicated to all members of the entity. Once defined and replicated, the member can monitor and locally store event data. Data within different event types can be mapped to a common data format or schema and then logged into a data store. By way of example, an interface can then request event data from the members via an event gathering and coalescing system. The event gathering and coalescing system can request and receive event data from the members based on a requested event type.

As recited in independent claim 1 (and similarly in independent claims 17 and 21), the subject invention provides for a system for monitoring events of a plurality of members configured as an entity, having (i) at least one member of the entity having configurable event logging settings for determining at least one of event types to be monitored; and (ii) each of the plurality of members of the entity having member specific configuration settings wherein selection of event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members. Connelly *et al.* does not teach or suggest such features of applicants' claimed invention.

Applicants' representative respectfully asserts that Connelly *et al.*, for at least the following reason, is a deficient reference. Connelly *et al.* is silent with regard to determining an event type and propagating the selection of the event type to members. In the Response to Arguments set forth on page 7 of the Final Office Action dated

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November 3, 2004, the Examiner notes that, although relied upon in the arguments presented by the applicants' representative, "propagating selection of event types" is not recited in the claims. The Examiner continues by stating that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Applicants' representative respectfully avers that these statements were merely oversights by the Examiner. In particular, independent claim 1 (and similarly amended independent claims 17 and 21) affirmatively recites that "selection of event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members." Clearly this statement by the Examiner was an oversight. Moreover, applicants' representative respectfully suggests that Connelly *et al.*, alone or in combination with Jarriel *et al.*, is silent with regard to any such selection/propagation. Furthermore, applicants' representative notes that the Final Office Action in this matter fails to identify a particular citation that teaches or suggests this novel selection/propagation claimed limitation. Rather, the Examiner mistakenly suggests that this limitation is not included in the subject claims and therefore does not address the novelty of this claimed limitation.

With continued reference to claim 1, the Final Office Action contends that "[A]s to claim 1, Connelly *et al.* teaches a system for monitoring events of a plurality of members configured as an entity, comprising: at least one member of the entity having event logging settings for event types to be monitored (col. 5, lines 12-20; col.6, lines 22-38; col. 14, lines 7-13)." The Office Action continues by asserting that Connelly *et al.* teaches a system where "each of the plurality of members of the entity having member specific configuration settings wherein event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members (col. 14, lns. 7-13)." Applicants' representative respectfully disagrees with this assertion.

Connelly *et al.*, fails to teach or suggest the applicants' invention as recited in the subject claims. More particularly, as set forth *supra*, Connelly *et al.* fails to teach or suggest a system that employs an event type selection and propagation system as disclosed and claimed in the subject invention. The subject invention is directed to a

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system whereby the event types and the event severity types to be logged (or not to be logged) can be defined (*e.g.*, selected) at any one member of the entity. Additionally, this information can be dynamically replicated (*e.g.*, propagated) to all members of the entity. This novel selection/propagation aspect of the invention is recited in independent claim 1 (and similarly independent claims 17 and 21) of the subject invention.

In contrast to the subject invention, Connelly *et al.* is simply directed to a fault tolerant availability meter which includes agents for stand-alone computers and each node of a cluster. (*See* Abstract). More particularly, Connelly *et al.* is directed toward a high availability ("HA") meter which simply measures availability of computers. (*See* col. 4, ln. 53-56). In other words, Connelly *et al.* is directed to an availability meter or monitoring system and clearly not to a system capable of propagating selection of event types to each of a plurality of members as in the claimed invention. The high availability meter of Connelly *et al.* is simply capable of collecting availability metrics for monitored entities. (*See* col. 5, lns. 6-11).

Contrary to the contention that the cited reference makes obvious the subject invention by disclosing that an HA server contains scripts for launching event monitoring agents (*e.g.*, HA agents) in a cluster, rather, Connelly *et al.* discloses "preferably, the HA agent 20 is automatically installed via management scripts provided by the HA server 22." (*See* col. 14, ln. 7-13). Thus, Connelly *et al.* teaches the installation of agents (*e.g.*, to monitor the availability of the system) rather than to propagate the selection of event types to each of a plurality of members from at least one of the individual members as recited in the subject claims. Moreover, it is respectfully submitted that Connelly *et al.* is silent with regard to *members of the entity having specific configuration settings* as recited in the subject claims.

In contrast to Connelly *et al.* and in accordance with the subject invention, the user does not have to administer (*e.g.*, gain access to each machine) and configure (*e.g.*, change settings) each machine individually. Thus, time can be saved and errors mitigated. It is noted that an interface generally does not have to run on each computer in the system. (*See*, page 7, lines 9-18).

Full entity operation monitoring can be achieved by interfacing to a single member, for example. Additionally, with respect to changing settings, selection can be

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effected at a single member and propagated throughout the system to each of a plurality of members as recited in the subject claims. In other words, the subject invention provides for setting event severity types (e.g., Errors and Warnings, Errors Only, Warnings Only, Information Only) corresponding to the event types (e.g., Entity events, Operating System events, Health Monitor events) to be logged in addition to the event types not to be logged in the global event configurations settings on the controller. Once selected and set, the invention provides for *propagation of these selected settings* to the configuration settings of the members. (See, page 8, line 18 – page 9, line 2).

Although the subject Office Action contends that Connelly *et al.* automatically installs agents on each system in a cluster, it does not teach or suggest the novel determination, selection and propagation features as recited in the claims of the subject invention. Clearly, the subject invention as disclosed and claimed is not taught or suggested by the cited reference. In particular, Connelly *et al.* is simply directed to a system to monitor agents (e.g., computers) in a network and not to a system that provides the member determined selection/propagation novelty as disclosed and claimed in the subject application.

The Final Office Action concedes that Connelly *et al.* fails to teach at least one member of the entity having *configurable event logging settings for determining at least one event type to be monitored*. Jarriel *et al.* is relied upon to provide this teaching. However, Jarriel *et al.* discloses “software agents” available at a central location (e.g., manager) or at a plurality of locations (e.g. the gateways) in a network where administrative, configuration or other management tasks are specified, configured and/or deployed. (See col. 6, ln. 20-24). In accordance with Jarriel *et al.*, the “software agents” perform or facilitate various network or system management tasks. Jarriel *et al.* merely discloses remote deployment of a software agent within a network but is silent regarding *configurable event logging settings for determining at least one event type to be monitored* as recited in the subject claims.

Additionally, Jarriel *et al.* is silent with regard to the novel claimed feature that recites each of the plurality of members of the entity having member specific configuration settings wherein selection of event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of

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members as recited in the subject claims. As stated *supra*, although, on Page 7 of the Final Office Action, the Examiner states that features of which the applicants' representative relies (e.g., propagating selection of event types) are not recited in the claims, applicants' representative respectfully disagrees and asserts that this limitation is recited in independent claim 1 (and amended independent claims 17 and 21).

For at least the foregoing reasons, it is readily apparent that the cited references (alone or in combination) fail to teach or suggest the subject invention as recited in independent claims 1, 17 and 21 (and claims 2-5, 7-9, 18-19 and 23 that respectively depend there from). This rejection should be withdrawn.

B. Rejection of Claims 10-14, 16, 20, 24 and 25 Under 35 U.S.C. §103(a)

Claims 10-14, 16, 20, 24, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connelly *et al.* in view of McHann (U.S. 5,991,806). Withdrawal of this rejection is requested for at least the following reasons. The combination of Connelly *et al.* and McHann does not teach or suggest all limitations as recited in the subject claims.

Independent claims 10, 16, 20 and 24 provide for a system for monitoring events on a member having an event monitor system adapted to receive different event types from an event source and log the different event types into a data store. The event monitor system further comprises an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store.

Applicants' representative respectfully submits that, for the reasons noted *supra*, Connelly *et al.* does not teach or suggest *an event monitor system adapted to receive different event types from an event source*. Rather, with respect to Connelly *et al.*, each HA agent simply monitors availability of the system for which it is installed and generates events when changes in system availability or configurations are detected. (See col. 6, ln. 31-33). Connelly *et al.* is silent with regard to *an event monitor system adapted to receive different event types from an event source* as recited in independent claim 10 (and likewise claims 16, 20 and 24). Further, on page 5 of the Final Office Action, the Examiner concedes that Connelly *et al.* fails to teach the limitation of

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mapping data fields of the different event types to conform to a common event type schema.

McHann does not cure the deficiencies of Connelly *et al.* – this reference merely teaches dynamic system control of devices in a network *via* messaging in a network management system. McHann suggests a dynamic system controller for receiving messages from subsystems, analyzing the messages and determining an effective utilization of the messages. (See col. 1, ln. 66 – col. 2, ln. 3). McHann fails to teach or suggest *an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store* as recited in the subject claims.

Rather, in col. 11, line 64 – col. 12, line 32 as cited by the Examiner, McHann merely determines a format of an encoded message and subsequently monitors messages in this “common-format.” More particularly, McHann suggests that the system “analyzes the information in the message to determine which format is encoded...and converts the messages to a common format...compresses the common format...then monitors the common-format messages...by comparing a message identifier in the common-format message to a saved important message identifier.” Clearly, McHann does not teach or suggest mapping data fields of different event types into common data fields such that the different event types conform to a common event type schema in the data store.

More particularly, the subject invention as disclosed and claimed is directed to an event monitor system that can map different event types into a common data format or schema in a data store(s). Thus, an interface or other source can retrieve the events in a common format from the data stores of each member *via* an event gathering and coalescing system.

McHann is silent with regard to mapping data fields of different event types into common data fields as disclosed and claimed in the subject application. Rather, McHann is directed to a system that simply converts messages into a useful structure. For example, as disclosed in the reference, the dynamic system controller acquires data in a standard form, such as an ASCII code, and compresses and extracts the data into a compact form such as a binary read format. (See col. 10, lns. 15-22). McHann is silent

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with regard to mapping data of different formats to conform to a common event type schema in the data store as recited in applicants' claimed invention.

In view of at least the foregoing comments, it is readily apparent that the cited references fail to teach or suggest applicants' invention as recited in the subject claims. Accordingly, this rejection should be withdrawn.

C. Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected under 35 U.S.C. §103(a) as being obvious over Connelly *et al.* in view of McHann, and in further view of Jarriel *et al.* This claim depends from independent claim 10, and withdrawal of this rejection is requested in view of the aforementioned deficiencies of these references regarding claim 10.

D. Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1-25 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Respectfully submitted,
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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1. A system for monitoring events of a plurality of members configured as an entity, comprising:

at least one member of the entity having configurable event logging settings for determining at least one of event types to be monitored; and

each of the plurality of members of the entity having member specific configuration settings wherein selection of event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members.

2. The system of claim 1, the changes to the configurable event logging settings at the at least one member are dynamically updated at the member specific configuration settings of the plurality of remaining members.

3. The system of claim 1, the at least one of the plurality of members has an event monitor system operable to log event data information based on the member specific configuration settings.

4. The system of claim 3, the event monitor system comprising an event consumer component operable to determine settings in the member specific configuration settings and log at least one of an event source, an event type and an event severity type based on the settings.

5. The system of claim 4, the event consumer component being notified of changes in the member specific configuration settings and being operable to access these changes through an event source.

6. The system of claim 3, the event monitor system further comprising an event mapping component adapted to map different event types into a common data format for logging in a data store.

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7. The system of claim 1, the at least one member having configurable event logging settings for determining event severity types to be monitored.
8. The system of claim 1, each event is assigned a unique event identification number, a member identification number and an event time when being logged in a data store.
9. The system of claim 8, the event data common to all event types is logged in a first table and event data specific to the event instance is logged in a second table.
10. A system for monitoring events on a member, comprising:
an event monitor system adapted to receive different event types from an event source and log the different event types into a data store, the event monitor system further comprising an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store.
11. The system of claim 10, the event monitor system further comprising an event consumer component operable to determine settings in a member specific configuration settings and log at least one of an event source, an event type and an event severity type based on the settings.
12. The system of claim 10, each event is assigned a unique event identification number, a member identification number and an event time when being logged in the data store.
13. The system of claim 10, the event data common to event types is logged in a first table and event data unique to an event type instance being logged is logged in a second table.

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14. The system of claim 10, the event types comprising at least one of operating system events, entity events and health monitor events.

15. The system of claim 10, the event monitor system being operable log event common data and event data specific to the instance of the event upon receipt of a new event and logging only event data specific to the instance of the event upon receipt of a reoccurrence of an event.

16. A system for monitoring events of a plurality of members configured as an entity, each member comprising:

an event monitor system adapted to receive different event types from an event source and log the different event types into a data store, the event monitor system further comprising an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store.

17. A method for monitoring events of a plurality of members configured as an entity, comprising:

setting configurable event logging settings at any of the plurality of members for determining one of event types to be monitored and event types not to be monitored; and

dynamically propagating the selection of event logging settings to the plurality of members of the entity to establish event logging configuration settings at the plurality of members.

18. The method of claim 17, the act of setting configurable event logging settings at any of the plurality of members further comprising setting configurable event logging settings for determining an event severity type to be logged.

19. The method of claim 17, further comprising the act of dynamically updating the logging of event types at each of the plurality of members based on any changes in event logging settings at any of the plurality of members.

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20. A method for monitoring events of a plurality of members configured as an entity, comprising:

receiving different event types having different data fields from an event source;
mapping the data fields of different event types to common data fields such that each event type conforms to a common schema; and
logging the mapped event types to a data store.

21. A system for monitoring events of a plurality of members configured as an entity, comprising:

means for configuring event log settings at a first member of the entity for determining event types to be monitored; and

means for propagating the selection of event log settings to the plurality of members of the entity to establish event log configuration settings at the plurality of members.

22. The system of claim 21, further comprising means for logging different event types into a common format at each of the plurality of members.

23. The system of claim 21, further comprising means for dynamically updating the logging of event types at each of the plurality of members based on any changes in the event log settings at the first member.

24. A system for monitoring events of a plurality of members configured as an entity, comprising:

means for receiving different event types having different data fields from an event source;

means for mapping the data fields of different event types to common data fields such that each event type conforms to a common schema; and

means for logging the mapped event type to a data store.

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25. The system of claim 24, further comprising means for merging event data specific to an event occurrence into event data common to the event.

IX. Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X. Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.